

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE DR JUSTICE G.YETHIRAJULU
WRIT PETITION NO : 14270 of 2004

Between:

K.Suribabu, S/o. Ramappadu, aged about 39 years,
Occu:Village Electricity Worker,
R/o Kanimetta Village & Post, Ponduru Mandal,
Srikakulam District.

..... PETITIONER

AND

1. The Chairman & Managing Director, Eastern Power Distribution Company of Andhra Pradesh Ltd., (APEPDCL), Visakhapatnam.
2. The Superintending Engineer, Operation Circle, APEPDCL, Srikakulam.
3. The Divisional Engineer-Electrical, Operation Division, APEPDCL, Srikakulam.
4. The Sarpanch, Kanimetta Gram Panchayat, Kanimetta Village, Ponduru Mandal, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in issuing the Lr.No.DEE/O/SKL/Adm/U.1/F.VEW/D.No.1768/2001, dated 01.12.2001 and Lr.No.DEE/O/SKL/U1/D.No.180/2002, dated 28.01.2002 asking the 4th respondent to remove the petitioner from service as Village Electricity Worker as arbitrary, illegal, and violative of principles of natural justice and consequently direct the respondents to pay the grant-in-aid to the petitioner from October, 2001 onwards and continue to pay the same regularly.

Counsel for the Petitioner: MR.S.SHARATH KUMAR

Counsel for the Respondent Nos.1 to 3: Mr.M.Subba Rao,

Standing Counsel for A.P.S.E.B.

Counsel for the Respondent No.4: None appeared.

The Court at the stage of admission made the following :

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THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

Writ Petition No.14270 of 2004

ORDER:

The petitioner worked as a Village Electricity Worker in the fourth respondent-Panchayat from 1989. The third respondent addressed a letter on 01.12.2001 to the fourth respondent mentioning that the services of the petitioner are not required and they are stopping the grant-in-aid on the ground that the petitioner was found guilty of indulging in the malpractices, causing loss to the revenue of the A.P. TRANSCO. The fourth respondent addressed a letter on 31.01.2002 to the third respondent stating that the petitioner was discharging his duties satisfactorily and there was no complaint against him as alleged in the letter dated 01.12.2001 and requested the third respondent to release the grant-in-aid. The third respondent instead of releasing the grant-in-aid, issued another proceeding dated 28.01.2002 insisting on the fourth respondent to terminate the services of the petitioner as a Village Electricity Worker immediately.

2. The grievance of the petitioner is that on account of the action of the third respondent in addressing letters to the fourth respondent on 01.12.2001 and 28.01.2002 the salary is not being paid to him, despite the fact that the work is being extracted from him as usual. Since the fourth respondent did not take any action on the letters of the third respondent, it cannot be prejudged that the procedure prescribed under the rules are not being followed or that the principles of natural justice are violated. Since the fourth respondent continued the petitioner in service, the fourth respondent is liable to pay the salary of

the petitioner, which he used to pay for the earlier period. It is for the fourth respondent either to convince the third respondent to extend the grant-in-aid or to recover the same through a Court of Law.

3. Having regard to the above facts and circumstances, the request of the petitioner to declare that the letters of the third respondent dated 01.12.2001 and 28.01.2002 as illegal and violative of principles of natural justice, is not accepted. If there is any action from the fourth respondent, who is the competent authority, without following the procedure prescribed under Law, the petitioner is at liberty to challenge such action in the appropriate forum. Since the fourth respondent is continuing the petitioner in service by taking work from him, he shall arrange payment of the salary of the petitioner within two months from the date of receipt of a copy of this Order. This order will not preclude the fourth respondent from taking further action in the matter according to rules.

4. The writ petition is accordingly disposed of. No order as to costs.

Dr.G.YETHIRAJULU, J

Dated: 22nd September, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman & Managing Director, Eastern Power Distribution Company of Andhra Pradesh Ltd., (APEPDCL), Visakhapatnam.
2. The Superintending Engineer, Operation Circle, APEPDCL, Srikakulam.
3. The Divisional Engineer-Electrical, Operation Division, APEPDCL, Srikakulam.
4. The Sarpanch, Kanimetta Gram Panchayat, Kanimetta Village, Ponduru Mandal, Srikakulam District.
5. Two C.D. copies.